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# *Committee Meeting*

of

## SENATE JUDICIARY COMMITTEE

*The following nomination(s) will be interviewed:*

*To be reappointed as an Associate Justice of the Supreme Court:*

*“Honorable Lee A. Solomon, of West Berlin, for the term prescribed by law”*

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**LOCATION:** Committee Room 4  
State House Annex  
Trenton, New Jersey

**DATE:** May 13, 2021  
1:00 p.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Senator Nicholas P. Scutari, Chair  
Senator Nellie Pou, Vice Chair  
Senator Paul A. Sarlo  
Senator Bob Smith  
Senator Brian P. Stack  
Senator Stephen M. Sweeney  
Senator Loretta Weinberg  
Senator Christopher “Kip” Bateman  
Senator Kristin M. Corrado  
Senator Michael J. Doherty  
Senator Michael L. Testa, Jr.



### **ALSO PRESENT:**

David J. Lorette  
*Office of Legislative Services*  
*Committee Aide*

Alison Accettola  
*Senate Majority Office*  
*Committee Aide*

Michael R. Molimock  
*Senate Republican Office*  
*Committee Aide*

***Meeting Recorded and Transcribed by***  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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**(This is an excerpt from the Senate Judiciary Committee meeting of May 13, 2021.)**

**SENATOR NICHOLAS P. SCUTARI (Chair):** So the next order of business is the -- to be reappointed as an Associate Justice of the Supreme Court, the Honorable Lee A. Solomon of West Berlin.

Justice Solomon, please come forward, stand in front of the microphone, and raise your right hand for the administration of the oath.

**MR. LORETTE (Committee Aide):** Good afternoon, Justice.

Do you swear or affirm that the testimony you are about to give is true, correct, and complete to the best of your knowledge, information, and belief?

**HONORABLE LEE A. SOLOMON:** I do.

**MR. LORETTE:** Thank you.

**SENATOR SCUTARI:** Thank you, Justice.

Now would you please address the Committee with your opening remarks?

**JUSTICE SOLOMON:** Chairman Scutari, thank you for inviting me here today.

It's an honor to appear before you and the members of this Committee.

I'd also like to thank Governor Murphy for nominating me, and giving me the chance to continue to serve as an Associate Justice of the New Jersey Supreme Court.

Thank you, also, to Senate President Sweeney. I would not be here, nor would I have had the opportunity seven years ago, were it not for President Sweeney.

I admit now, as I did at my swearing-in seven years ago, that there was no one more surprised than me that I received this opportunity. I always worked hard, enjoyed every job I ever had, starting as a private practicing attorney in a small litigation firm, and continuing as a sole practitioner, and later in each of the branches of government.

But -- and this may sound a bit strange coming from a judge -- I always considered myself to be sort of a blue-collar lawyer and a blue-collar public servant. My experiences in life taught me to be humble; that setbacks happened, and I've had several. You have to learn from those experiences and move on, and treat everyone well on the way up, because you will see them on the way down.

Maybe that's why, as an attorney, I always represented the little guy against the big guy. You need a certain mindset to be comfortable in that role, and to be effective and not intimidated.

I carried that approach throughout my career in public service. It's part of the reason this opportunity has been such an honor, and a privilege, and a bit of a surprise.

But I assure you, my mindset has not changed, and I still look at myself as a blue-collar worker.

Let me take a moment to mention and thank someone I rarely give enough credit to -- my wife, Diane, who has endured me for just short of 42 years. I am as surprised by that fact as I am that I am here sitting as a member of the Court. We have shared some ups and downs, and even when

I was at my lowest and looking for hope, she did not hand me a suitcase, but asked what I needed her to do because she would do it.

At that moment, I knew we would be okay; and we were.

The work of a Justice is admittedly overwhelming at times because of the workload, the complexity of the issues, and the impact of our decisions on the parties involved and the citizens of New Jersey as a whole. I have been able to plow through it because it is an honor to serve, because the work is so important, and because I think I bring a perspective that is also important.

Whether my colleagues agree or disagree with my point of view, I know they appreciate it -- most of the time. But it is important for you, and all of New Jersey, to know that this Supreme Court works the way government is supposed to function. We always discuss, occasionally argue, even sometimes will not agree and, instead, dissent as a matter of principle. But in the end, we work together as colleagues and friends.

I've enjoyed the leadership of Chief Justice Rabner and the friendship of my colleagues greatly. It has been an honor to serve with them.

I look forward to answering any questions you may have.

SENATOR SCUTARI: Thank you, Mr. Justice.

And for members of the public, it is my understanding -- and having served on this Committee as the Chairman probably longer than anyone else -- that Justice Solomon has been before this Committee more times than anyone else in the history of New Jersey; and every time successful, mind you.

So congratulations to that.

As you're aware, not every Justice has been successful in this Committee. (laughter)

JUSTICE SOLOMON: I know. It's been six, but who's counting? (laughter)

SENATOR SCUTARI: So congratulations to that.

JUSTICE SOLOMON: Thank you.

SENATOR SCUTARI: I do have one question for you, and it's more of an opinion than anything else.

As we move into a new era and a new grouping of younger folks who have been nominated to the Court, and perhaps even many more openings in the next few years, do you -- because I have a concern, and I want to know if you share that concern, knowing where you came from in the practice of law and some of the other members of the Court who will be leaving soon -- that members of the Court, at least some, should have some experience with what the vast majority of lawyers, like me, do for a living -- which is interact with the public: people who represent individuals in transactional work, and injury work, and workers' comp claims, and divorce cases. Those kinds of lawyers that most members of the public, actually, are the only types who they ever meet.

I feel -- or at least I'm concerned -- that that may be missing from the Court as we look to the future. And I would ask you, do you share that that is a concern -- that the intricacy and the intimacy of those types of lawyers are not going to be represented, potentially, in the future?

JUSTICE SOLOMON: Let me start by recognizing that that is the province of the Governor and the Senate; and I respect that, and I respect that authority, and I would never attempt to intrude on that authority.

From my personal experience, I think it was a great advantage for me, for Justice Fernandez-Vina, for Justice Albin, Justice Patterson, and others to have been trial lawyers and, frankly, trial judges -- some of us. I think that is an asset; it makes the job easier. However, we're talking about exceptionally bright, capable people with good skills, good interpersonal skills, good judgment, and a great degree of patience, which is what it takes to be a lawyer anywhere.

So I have confidence in who is selected and their ability to serve.

SENATOR SCUTARI: And it's really more about me just getting that out there. Because I want to start this dialogue, as time goes forward, because there's going to be a bunch of openings. And I just want to make sure that the people who interact with the majority of the public -- that there is some understanding of what those individuals do.

And I know that you understand it, and several other members of the Court who are coming up on retirement do. But I'm not so sure who's going to come behind them.

So I just want to make that as an initial public, kind of, statement, in terms of my feelings as we move forward.

So congratulations.

And with that, I'll open it up to questions from the Senators.

Any questions for Justice Solomon?

Senator Bateman.

SENATOR BATEMAN: Thank you, Mr. Chairman.

Welcome to the meeting. We had a good conversation.

Justice, you and I go back to serving in the Assembly together.

In the past, the Chair and I have tried to introduce legislation. And I just want to hear your thoughts on a mandatory age of 70. You know, 70 now is not what it was 30 or 40 years ago. I mean, some of our brightest jurors and some of our brightest judges have to retire at 70. And the Chairman and I have tried to get some legislation to expand that to an older age.

I mean, just your thoughts on that.

JUSTICE SOLOMON: My only thought is that-- Well, I'll tell you what my doctor told me when I went to visit her for my last physical. She said, "For an 85-year-old, you're in pretty good shape." (laughter)

SENATOR BATEMAN: It's the politics.

JUSTICE SOLOMON: And when I pointed out my birthday, she said, "I repeat, for an 85-year-old, you're in pretty good shape."

That is way above my pay grade, Senator. And I respect your opinion, and I hope that at age 70, 75, or 80 I continue to be at least as I am now, or as I was years ago. But that is a decision to be made, and it's beyond me to make it.

SENATOR BATEMAN: I appreciate your candidness.

SENATOR SCUTARI: Thank you, Senator.

And you know I join you on that. I mean, I agree with the Senator. I mean, 70 is not today what it was when the 1947 Constitution kind of set that out. But I think, and rightfully, we had bipartisan legislation that talked about certain safeguards, because after age 70, things can change rapidly; and I think that some people could serve just as well at 72 as they did at 65 or even younger.

But as long as the Senate has a role to play in that, I join with Senator Bateman that I think that's something that we will explore in the near future, hopefully.

Thank you, Senator Bateman.

Any Senators with any other questions? Otherwise, we can take comments at the voting.

SENATOR STACK: I'll move the nomination.

SENATOR SWEENEY: Second.

SENATOR SCUTARI: Moved by Senator Stack, seconded by the Senate President.

Roll call.

MR. LORETTE: Roll call on the nomination.

Senator Testa.

SENATOR TESTA: Yes.

MR. LORETTE: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. LORETTE: Senator Corrado.

SENATOR CORRADO: Yes.

MR. LORETTE: Senator Bateman.

SENATOR BATEMAN: Yes.

MR. LORETTE: Senator Weinberg.

SENATOR WEINBERG: Yes.

MR. LORETTE: Senator Stack.

SENATOR STACK: Yes.

MR. LORETTE: Senator Smith has indicated a "yes" vote.

Senator Sweeney.

SENATOR SWEENEY: I'd just like say a brief statement.

Lee has never disappointed us through his entire career. What you see is what you get, which is a very humble, honest, intelligent person.

Lee, you didn't let us down. I am so proud of what you've accomplished through your whole life.

Congratulations; yes.

MR. LORETTE: Senator Sarlo.

SENATOR SARLO: Yes.

MR. LORETTE: Senator Pou.

**SENATOR NELLIE POU (Vice Chair):** Yes.

MR. LORETTE: Chairman Scutari.

SENATOR SCUTARI: I want to echo those comments by the Senate President.

I've presided over many of your confirmation hearings. And it's nice to see that in New Jersey we do it right, for a lot of different reasons, when it comes to the judge-making process. We have a registered Republican with the greatest praise from the Senate President, who's a Democrat. Friendships that go a long way; honorableness that you've exhibited throughout your career, and a recognition by both sides of the aisle that the accolades that you receive are well deserved, and the capping off a wonderful career.

And I join in those accolades. It's been a pleasure to get to know you and see you these many times in front of the Committee. And I congratulate you, and your wife, and your family on many more successful years.

With that, I vote "yes."

MR. LORETTE: The nomination is released.

SENATOR SCUTARI: Congratulations, and best of luck.

JUSTICE SOLOMON: Thank you, Senator; thank you all very  
much.

**(END OF EXCERPT)**